THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 17933 OF 2006

Date: 06.11.2006

Between:

Syed Jaffer.

… Petitioner

and

The Regional Deputy Director, Women Development and Child Welfare Dept, Ameerpet, Hdyerabad and another.

… Respondents.

THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 17933 OF 2006

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

Heard both sides and, at their request, the main writ petition is itself taken up for final disposal.

The order of the Tribunal, in O.A. No. 2580 of 2001 dated 26.03.2004, wherein the Tribunal, held that the petitioner-applicant had not submitted his joining report duly enclosing thereto a medical fitness certificate at the first instance, that the period from 05.11.1999 to 31.03.2000 cannot be treated as compulsory wait for posting, that the respondents were justified in contending that the period cannot be treated as compulsory wait, and the O.A. was accordingly dismissed, is now under challenge before us.

Sri A. Chandrasekhar, learned Counsel for the petitioner, would submit that the Tribunal had erred in recording a finding that the medical certificate was not enclosed along with the joining report. Learned Counsel would submit that the petitioner had, in fact, enclosed the medical report, to the joining report, as proof of his illness during the said period. Learned Counsel would submit that the respondent, without taking into consideration the fact that the petitioner had submitted a medical certificate, had chosen to reject his request that the said period be treated as waiting period. Learned Counsel would draw attention of this Court to the medical certificate which has been enclosed as part of the material papers

filed along with the writ petition. As to whether this medical certificate covers the period of absence is a matter for the respondent authorities to examine and not for this Court to go into in proceedings under Article 226 of the Constitution of India. It would meet the ends of justice if the respondents were directed to reconsider the petitioner's request to treat his period of absence as waiting period on the basis of the medical certificate filed along with the writ petition and take an appropriate decision in this regard. The writ petition is accordingly disposed of. However, in the circumstances, without costs.

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B.PRAKASH RAO,J

Date: 06-11-2006

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RAMESH RANGANATHAN,J

MRKR